



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide relief for State and local governments  
based on demonstrated need.

IN THE SENATE OF THE UNITED STATES—117th Cong.. 1st Sess.

AMENDMENT N<sup>o</sup> 1364To pro<sup>vide</sup> By Romney n.To: Amend. No. 891

Referred to \_\_\_\_\_ nd

12  
Page(s)

GPO: 2020 42-568 (mac)

AMENDMENT intended to be proposed by Mr. ROMNEY to  
the amendment (No. 891) proposed by Mr. SCHUMER

Viz:

- 1 Beginning on page 575, strike line 21 and all that
- 2 follows through page 587, line 12, and insert the following:
- 3 **“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.**
- 4 **“(a) APPROPRIATION.—In addition to amounts oth-**
- 5 **erwise available, there is appropriated for fiscal year 2021,**
- 6 **out of any money in the Treasury not otherwise appro-**
- 7 **priated—**
- 8 **“(1) \$219,800,000,000, to remain available**
- 9 **until through December 31, 2024, for making pay-**
- 10 **ments under this section to States, territories, and**
- 11 **Tribal governments to mitigate the fiscal effects**

1       stemming from the public health emergency with re-  
2       spect to the Coronavirus Disease (COVID-19); and

3       “(2) \$50,000,000, to remain available until ex-  
4       pended, for the costs of the Secretary for adminis-  
5       tration of the funds established under this title.

6       “(b) AUTHORITY TO MAKE PAYMENTS.—

7       “(1) PAYMENTS TO TERRITORIES.—

8       “(A) IN GENERAL.—The Secretary shall  
9       reserve \$4,500,000,000 of the amount appro-  
10      priated under subsection (a)(1) to make pay-  
11      ments to the territories.

12      “(B) ALLOCATION.—Of the amount re-  
13      served under subparagraph (A)—

14      “(i) 50 percent of such amount shall  
15      be allocated by the Secretary equally  
16      among each territory; and

17      “(ii) 50 percent of such amount shall  
18      be allocated by the Secretary as an addi-  
19      tional amount to each territory in an  
20      amount which bears the same proportion  
21      to  $\frac{1}{2}$  of the total amount reserved under  
22      subparagraph (A) as the relative popu-  
23      lation of the territory bears to the total  
24      population of all such territories.

1           “(C) PAYMENT.—The Secretary shall pay  
2           each territory the total of the amounts allocated  
3           for the territory under subparagraph (B).

4           “(2) PAYMENTS TO TRIBAL GOVERNMENTS.—

5           “(A) IN GENERAL.—The Secretary shall  
6           reserve \$20,000,000,000 of the amount appro-  
7           priated under subsection (a)(1) to make pay-  
8           ments to Tribal governments.

9           “(B) ALLOCATION.—Of the amount re-  
10          served under subparagraph (A)—

11           “(i) \$1,000,000,000 shall be allocated  
12           by the Secretary equally among each Trib-  
13           al government; and

14           “(ii) \$19,000,000,000 shall be allo-  
15           cated by the Secretary among each Tribal  
16           government in an amount determined by  
17           the Secretary.

18          “(C) PAYMENT.— The Secretary shall pay  
19          each Tribal government the total of the  
20          amounts allocated for the Tribal government  
21          under subparagraph (B).

22          “(3) PAYMENTS TO EACH OF THE 50 STATES  
23          AND THE DISTRICT OF COLUMBIA.—

24          “(A) IN GENERAL.—The Secretary shall  
25          reserve \$195,300,000,000 of the amount appro-

1           priated under subsection (a)(1) to make pay-  
2           ments to each of the 50 States and the District  
3           of Columbia.

4           “(B) ALLOCATIONS.—Of the amount re-  
5           served under subparagraph (A), the Secretary  
6           shall allocate to each of the 50 States and the  
7           District of Columbia, upon application to the  
8           Secretary, an amount that shall not exceed the  
9           sum of—

10           “(i) the total amount of necessary ex-  
11           penditures incurred by the State or Dis-  
12           trict of Columbia between March 1, 2020,  
13           and March 31, 2021, for necessary expend-  
14           itures incurred due to the public health  
15           emergency with respect to the Coronavirus  
16           Disease 2019 (COVID–19) (as such term  
17           was defined by the Secretary for purposes  
18           of applying section 601(d)(1) on or before  
19           the date of enactment of this section);

20           “(ii) the amount (if any) by which—

21           “(I) the total amount of tax rev-  
22           enue collected by the State or District  
23           of Columbia in the second, third, and  
24           fourth calendar quarters of 2019 (as  
25           published by the Bureau of the Cen-

1                   sus in the Quarterly Summary of  
2                   State and Local Tax Revenue); ex-  
3                   ceeds

4                   “(II) the total amount of such  
5                   revenue collected by the State or Dis-  
6                   trict of Columbia in the second, third,  
7                   and fourth calendar quarters of 2020  
8                   (as so published); and

9                   “(iii) the amount (if any) by which—

10                   “(I) the total amount expended  
11                   by the State or District of Columbia  
12                   for medical assistance furnished under  
13                   the State Medicaid plan under title  
14                   XIX (or a waiver of such plan) in the  
15                   second, third, and fourth calendar  
16                   quarters of 2020 (reduced by the total  
17                   amount of any Federal payments re-  
18                   ceived or scheduled to be received by  
19                   the State or the District of Columbia  
20                   with respect to such expenditures that  
21                   are attributable to the increase to the  
22                   Federal medical assistance percentage  
23                   for the State or the District of Colum-  
24                   bia under section 6008 of the Fami-

1 lies First Coronavirus Response Act  
2 (Public Law 116–127)); exceeds

3 “(II) the total amount expended  
4 by the State or District of Columbia  
5 for medical assistance furnished under  
6 such plan or waiver in the second,  
7 third, and fourth calendar quarters of  
8 2019.

9 “(C) PAYMENT.—The Secretary shall pay  
10 each of the 50 States and the District of Co-  
11 lumbia the amount allocated for the State and  
12 District of Columbia under subparagraph (B).

13 “(4) POPULATION DATA.—For purposes of de-  
14 termining allocations for a territory under this sec-  
15 tion, the population of the territory shall be deter-  
16 mined based on the most recent data available from  
17 the Bureau of the Census.

18 “(5) TIMING.—To the extent practicable, with  
19 respect to each State, territory, and Tribal govern-  
20 ment allocated a payment under this subsection, the  
21 Secretary shall make the payment required for the  
22 State, territory, or Tribal government (as applicable)  
23 not later than 60 days after the date on which the  
24 certification required under subsection (d) is pro-  
25 vided to the Secretary.

1 “(6) PRO RATA ADJUSTMENT AUTHORITY.—

2 “(A) IN GENERAL.—Subject to subpara-  
3 graph (B), the amounts otherwise determined  
4 for allocation and payment under paragraphs  
5 (1), (2), and (3) may be adjusted by the Sec-  
6 retary on a pro rata basis to the extent nec-  
7 essary to ensure that all available funds are dis-  
8 tributed to territories, Tribal governments, and  
9 States in accordance with the requirements  
10 specified in each paragraph (as applicable) and  
11 the certification requirement specified in sub-  
12 section (d).

13 “(B) UNALLOCATED AMOUNTS.—Any  
14 amounts from the amount reserved under para-  
15 graph (3)(A) that are not allocated by the  
16 Treasury under paragraph (3)(B) shall be re-  
17 turned to the general fund of the Treasury.

18 “(c) REQUIREMENTS.—

19 “(1) USE OF FUNDS.—Subject to paragraph  
20 (2), and except as provided under paragraph (3), a  
21 State, territory, or Tribal government shall only use  
22 the funds provided under a payment made under  
23 this section, or transferred pursuant to section  
24 603(c)(4), to—

1           “(A) respond to or mitigate the public  
2 health emergency with respect to the  
3 Coronavirus Disease 2019 (COVID–19) or its  
4 negative economic impacts;

5           “(B) cover costs incurred as a result of  
6 such emergency; or

7           “(C) replace revenue that was lost, de-  
8 layed, or decreased (as published by the Bureau  
9 of the Census in the Quarterly Summary of  
10 State and Local Tax Revenue) as a result of  
11 such emergency.

12           “(2) FURTHER RESTRICTION ON USE OF  
13 FUNDS.—

14           “(A) IN GENERAL.—A State or territory  
15 shall not use the funds provided under this sec-  
16 tion or transferred pursuant to section  
17 603(c)(4) to either directly or indirectly offset  
18 a reduction in the net tax revenue of such State  
19 or territory resulting from a change in law, reg-  
20 ulation, or administrative interpretation during  
21 the covered period that reduces any tax (by pro-  
22 viding for a reduction in a rate, a rebate, a de-  
23 duction, a credit, or otherwise) or delays the  
24 imposition of any tax or tax increase.



1                   “(B) PENSION FUNDS.—No state or terri-  
2                   tory may use funds made available under this  
3                   section for deposit into any pension fund.

4                   “(3) TRANSFER AUTHORITY.—A State, terri-  
5                   tory, or Tribal government receiving a payment from  
6                   funds made available under this section may transfer  
7                   funds to a private nonprofit organization (as that  
8                   term is defined in paragraph (17) of section 401 of  
9                   the McKinney-Vento Homeless Assistance Act (42  
10                  U.S.C. 11360(17)), a public benefit corporation in-  
11                  volved in the transportation of passengers or cargo,  
12                  or a special-purpose unit of State or local govern-  
13                  ment.

14                  “(d) CERTIFICATIONS AND REPORTS.—

15                  “(1) IN GENERAL.—In order for a State or ter-  
16                  ritory to receive a payment under this section, or a  
17                  transfer of funds under section 603(c)(4), the State  
18                  or territory shall provide the Secretary with a certifi-  
19                  cation, signed by an authorized officer of such State  
20                  or territory, that such State or territory requires the  
21                  payment or transfer to carry out the activities speci-  
22                  fied in subsection (c) of this section and will use any  
23                  payment under this section, or transfer of funds  
24                  under section 603(c)(4), in compliance with sub-  
25                  section (c) of this section

1           “(2) REPORTING.—Any State, territory, or  
2       Tribal government receiving a payment under this  
3       section shall provide to the Secretary periodic re-  
4       ports providing a detailed accounting of—

5           “(A) the uses of funds by such State, terri-  
6       tory, or Tribal government, including, in the  
7       case of a State or a territory, all modifications  
8       to the State’s or territory’s tax revenue sources  
9       during the covered period; and

10          “(B) such other information as the Sec-  
11       retary may require for the administration of  
12       this section.

13       “(e) RECOUPMENT.—Any State, territory, or Tribal  
14       government that has failed to comply with subsection (c)  
15       shall be required to repay to the Secretary an amount  
16       equal to the amount of funds used in violation of such  
17       subsection, provided that, in the case of a violation of sub-  
18       section (c)(2)(A), the amount the State or territory shall  
19       be required to repay shall be lesser of—

20          “(1) the amount of the applicable reduction to  
21       net tax revenue attributable to such violation; and

22          “(2) the amount of funds received by such  
23       State or territory pursuant to a payment made  
24       under this section or a transfer made under section  
25       603(c)(4).

1       “(f) REGULATIONS.—The Secretary shall have the  
2 authority to issue such regulations as may be necessary  
3 or appropriate to carry out this section.

4       “(g) DEFINITIONS.—In this section:

5           “(1) COVERED PERIOD.—The term ‘covered pe-  
6 riod’ means, with respect to a State, territory, or  
7 Tribal government, the period that—

8               “(A) begins on March 3, 2021; and

9               “(B) ends on the last day of the fiscal year  
10 of such State, territory, or Tribal government  
11 in which all funds received by the State, terri-  
12 tory, or Tribal government from a payment  
13 made under this section or a transfer made  
14 under section 603(c)(4) have been expended or  
15 returned to, or recovered by, the Secretary.

16           “(2) SECRETARY.—The term ‘Secretary’ means  
17 the Secretary of the Treasury.

18           “(3) STATE.—The term ‘State’ means each of  
19 the 50 States and the District of Columbia.

20           “(4) TERRITORY.—The term ‘territory’ means  
21 the Commonwealth of Puerto Rico, the United  
22 States Virgin Islands, Guam, the Commonwealth of  
23 the Northern Mariana Islands, and American  
24 Samoa.

1           “(5) TRIBAL GOVERNMENT.—The term ‘Tribal  
2       Government’ means the recognized governing body  
3       of any Indian or Alaska Native tribe, band, nation,  
4       pueblo, village, community, component band, or com-  
5       ponent reservation, individually identified (including  
6       parenthetically) in the list published most recently as  
7       of the date of enactment of this Act pursuant to sec-  
8       tion 104 of the Federally Recognized Indian Tribe  
9       List Act of 1994 (25 U.S.C. 5131).